

National Bulletin: 180-6-1

November 15, 2005

Subject: CPA – Confidentiality of Wetland Determinations

Purpose. To provide clarification on the applicability of the confidentiality provision of section 1244(b) of the Food Security Act of 1985, as added by the Farm Security and Rural Investment Act of 2002 (16 U.S.C. §3844(b)) to wetland determinations and delineations.

Expiration Date. December 31, 2006

Background. The Farm Security and Rural Investment Act of 2002 prohibit the United States Department of Agriculture (USDA) from releasing a participant's proprietary information to any person or agency outside USDA, except for certain limited situations. The Natural Resources Conservation Service (NRCS) has determined that this prohibition does not apply to wetland determinations and delineations that are conducted by NRCS employees or others designated by NRCS to act on its behalf. Accordingly, effective immediately, the following information related to wetland determinations is releasable to the public and to Federal, State, and local agencies or entities:

- Maps or aerial photographs showing wetland locations/boundaries (unrelated information, such as acreage of adjacent properties, should be redacted);
- Site visit reports and documentation of site conditions prepared by NRCS;
- Wetland delineation data sheets prepared by NRCS; and
- Technical determinations (e.g., functional assessments, scope and effect determinations) made by NRCS.

Documents must be reviewed to ensure that commercial, trade secret, or personal information that is subject to the Confidentiality Provision, the Privacy Act, and the Freedom of Information Act, is redacted before disclosure.

Contact. If further information or clarification is needed regarding wetland determinations, please contact the National FOIA Officer at 301-504-2286.

/s/

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/s/

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The Natural Resources Conservation Service provides leadership in a partnership effort to help conserve, maintain, and improve our natural resources and environment

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